

BEFORE THE
FEDERAL MARITIME COMMISSION

cc: OS
OGC
ASD
Rb
ORIGINAL

DOCKET NO. 15-11

IGOR OVCHINNIKOV, IRINA RZAEVA, and DENIS NEKIPELOV,

FILED

— vs. —

AUG 9 - 2016

MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.

Federal Maritime Commission
Office of the Secretary

INFORMAL DOCKET NO.: 1953(I)

KAIRAT NURGAZINOV,

— vs. —

MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.

APPENDIX TO COMPLAINANTS' REPLY TO RESPONDENTS' RESPONSE TO
ORDER FOR PARTIES TO SUPPLEMENT THE RECORD

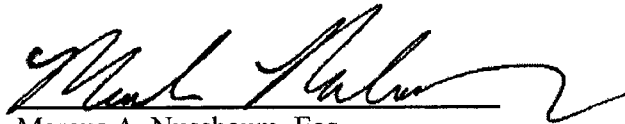
- APPENDIX "1" - Email produced by EUL in the matter of *Global Auto Inc. et al., v. Michael Hitrinov et al.*, U.S.D.C. – E.D.N.Y. Docket No.: 13-cv-2479, bates numbered EUL_001946
- APPENDIX "2" - Three emails dated May 13, 2013, May 14, 2013, and May 13, 2013 respectively, with spreadsheets attached
- APPENDIX "3" - Two spreadsheets, bates numbered PLS10024 and PLS10024
- APPENDIX "4" - Email from Eric C. Jeffrey, Esq. to Marcus A. Nussbaum, Esq. of May 3, 2016
- APPENDIX "5" - Report of Jennifer Naso

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the **APPENDIX TO COMPLAINANTS' REPLY TO RESPONDENTS' RESPONSE TO ORDER FOR PARTIES TO SUPPLEMENT THE RECORD** upon Respondents' Counsel at the following address:

Nixon Peabody LLP
Attn: Eric C. Jeffrey, Esq.
799 9th Street NW, Suite 500
Washington, DC 20001-4501

by First Class Mail, postage prepaid, and by email (ejeffrey@nixonpeabody.com).

A handwritten signature in black ink, appearing to read "Marcus A. Nussbaum", with a long, sweeping horizontal line extending to the right.

Marcus A. Nussbaum, Esq.
P.O. Box 245599
Brooklyn, NY 11224
Tel: 888-426-4370
Fax: 347-572-0439
Attorney for Complainants
marcus.nussbaum@gmail.com

Dated: August 9, 2016 in Brooklyn, New York

APPENDIX “1”

2303 Coney Isl Ave
Brooklyn, NY 11223
Tel : 718 998 6900
Fax : 718 998 7014
E-mail : Michael@eulines.com

On Dec 28, 2012, at 9:40 AM, "Maria Kapustina" <kapustinamaria@yahoo.com> wrote:

otdihai, ne kompaniya balabol

From: Michael Hitrinov <Michael@eulines.com>
To: Maria Kapustina <kapustinamaria@yahoo.com>
Sent: Friday, December 28, 2012 8:28 AM
Subject: RE: sposibo za reliz

We never forced anybody to bring cars for shipping. We never promised that we will invest money in each and every car. If you deliver cars for shipping we can ship them. Investing money has nothing to do with shipping and storage. If you decide to take the cars as you already know we notified you a month ago what are the fees for our service in our warehouse.

I also would like to remind you how you when you had negative balance were convincing us to release cars and you were trying to show us your good will by bringing your new cars with no titles. Now we know what was the goal of those good will.
We are not a free storage and free service for your cars.

As to the value of the cars you dispute . If we are not correct and we undervalue your cars it cost you no money. Take from the list any car you think we undervalue and pay us money back. Since as you saying we undervalue those cars you will pay back even less . Even better for you.

We understand that we may be not 100 % correct with the value and we never promised to be . We are not buying your cars. The value is the amount we estimate for investing money. It does not hurt you if we gave you a little less money as investment for the car. It means less to return.

When the balance he way we see it is paid we have no problem to release any of your cars. But as I already mentioned it is not free facility. We could take other clients business and not to keep your cars and wasting time with your cars.
We already advised you what is the fee per car to take it and not ship it.

Happy New Year !

Michael Hitrinov
Empire United Lines Co., Inc
2303 Coney Isl Ave
Brooklyn, NY 11223
Tel : 718 998 6900
Fax : 718 998 7014

APPENDIX “2”

From: Darja Osipova / CarCont Ltd.
Sent: Tuesday, May 14, 2013 3:40 AM
To: Michael Hitrinov
Cc: Denis Shavrikov / CarCont Ltd.
Subject: Svodnaya tablica / english
Attachments: to_send.xlsx

Categories: Orange Category

	Ref #	Mark	VIN	Name
1	103393	2009 MERCURY MARINER	4M2CU87729KJ12992	Chistyakov Ivan
2	103954	2009 TOYOTA VENZA	4T3ZE11AX9U017211	Manyashin Viktor
3	102616	2009 LEXUS LX 570	JTJHY00W694027108	Lisitsin Eduard
4	103162	2009 TOYOTA VENZA	4T3ZE11A79U005453	Chausow Valeriy
5	100349	2010 LEXUS RX 350	2T2BK1BA5AC009746	Konyshev Pavel
6	103393	2009 TOYOTA PRIUS	JTDKB20U693488352	Iliyinykh Andrey
7	103783	2011 JEEP COMPASS	1J4NF5FB7BD282296	Rzaeva Irina

EUL_004291

8	102679	2011 LEXUS LX 570	JTJHY7AX4B4060677	Iordanov Pavel
9	102910	2009 BMW X5	5UXFE43509L037392	Volkov Mikhail
10	102907	2009 MERCEDES-BENZ ML320	4JGBB25E79A519374	Antonov Vladimir
11	103163	2011 SAAB 9-4X AERO	3G0FNUE62BS800047	Kondratjuk Evgenij
12	103783	2009 MERCEDES-BENZ C300	WDDGF81X49R073295	Nekipelov Denis

13	103955	2009 SUBARU FORESTER	JF2SH61649H717573	Fedulov Sergey
14	103783	2009 VOLKSWAGEN TIGUAN	WVGBV75N29W525297	Miheev Andrey / Chibisova Irina
15	103786	2010 HONDA INSIGHT	JHMZE2H51AS007600	Klimov Yury
16	103393	2010 VOLKSWAGEN CC	WVWNL7AN5AE527150	Kovalev Valery/ Olga Pogorelaya
17	103785	2009 TOYOTA VENZA	4T3BE11A99U007805	Mikhaylova Svetlana / Fadeev Artem

18		2009 BMW X5 White/Kust XDRIVE 30i	5UXFE43579L260951	Yamkovskaya Alla
19		SUBARU FORESTER 2,5X Silver PREMIUM 2009	JF2SH63619H742041	Afanasev Vitaliy
20		2009 TOYOTA Gray CAMRY SE	4T1BE46K19U306703	Kairat Nurgazinov

21	102910	2008 MERCEDES-BENZ ML320 / EXPIRED	4JGBB22E88A372761	Smirnov Vladimir
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22	103028	2009 MERCURY MARINER	4M2CU87779KJ12759	no name, but was personally in the office
23		TOYOTA VENZA AWD Brown 2009	4T3BE11A49U004942	
24		MB R320 BLUETEC 2009	4JGCB25E69A095805	
25		VOLKSWAGEN TIGUAN 2WD Silver 2009	WVGAV75N49W002956	
26		TOYOTA CAMRY Black 2009	4T1BE46K99U346317	
27		MERCURY MARINER 2WD RED 2010	4M2CN8B74AKJ17359	
28		DODGE CALIBER 2WD Silver 2009	1B3HB48A79D129278	
29		VW CC SPORT Black 2010	WVWML7AN9AE507737	
30		VW TIGUAN Silver, 2WD, 2009	WVGAV75N49W502230	
31		MB ML320 Black/Black BLUETEC 2009	4JGBB25E09A497525	
32		JEEP COMPASS SPORT 2012	1C4NJCBA1CD573626	
33		VW JETTA WOLFSBURG EDITION 2008	3VWRA71K78M179897	
34		TOYOTA CAMRY Black 2009	4T1BE46K09U812264	
35		MB ML320 Black/Black BLUETEC 2009	4JGBB25E39A489354	

36		ACURA RDX Black/Black 2010	5J8TB2H29AA000682	
37		GMC ACADIA SLT-2 2010	1GKLVNED6AJ138200	
38		JEEP COMPASS SPORT 2010	1J4NF4FB6AD583215	
39		YAMAHA BOAT	YAMCG436L899 / DL1493X	
40		YAMAHA TRAILER	1DHNAELA1X1090995	
41		2009 TOYOTA PRIUS	JTDKB20U897858466	
42		2010 SUBARU LEGACY Blue	4S3BMBB65A3210717	
43		2010 VOLKSWAGEN CC Black	WVWML7AN7AE525508	
44		2009 FORD ESCAPE XLS 2WD Gray	1FMCU02729KD02110	

E-mail	main details	Invoices info	Beneficiary ²	Summ
ivan11031@mail.ru		inv 67842** dtd. 17.10.2012 G-Auto Sales, Inc		\$12,920.00
	payment doesn't contain info to mentioned car	Chistjakova Ludmila ***, 24.09.12	G-Auto Sales, Inc	\$9,920.00
voron092@live.ru		inv 67883 dtd. 03.11.2012 G-Auto Sales, Inc		\$22,920.00
		Manjashin Victor, 06.11.12	G-Auto Sales, Inc	\$16,920.00
		Manjashin Victor, 14.11.12	G-Auto Sales, Inc	\$6,020.00
almazoff73@mail.ru		inv 98215 dtd. 09.08.2012 G-Auto Sales, Inc		\$64,920.00
	payment doesn't contain info to mentioned car	inv 67312 dtd. 06.02.2012 Global Auto, Inc		invoice is not provided
		inv 98033 dtd. 14.05.2012 Global Auto, Inc		invoice is not provided
	payment doesn't contain info to mentioned car	Lisitsin Eduard, 27.02.2012	Global Auto, Inc	\$29,920.00
		Lisitsin Eduard, 17.05.2012	Global Auto, Inc	\$30,020.00
		Lisitsin Eduard, date of payment?	G-Auto Sales, Inc	\$5,020.00
chausow.val@yandex.ru		inv 67805 dtd. 26.09.2012 G-Auto Sales, Inc		\$23,900.00
		payment doc is not provided		\$23,865.00
cvp14@yandex.ru		inv 67730 dtd. 21.07.2012 Global Auto, Inc		\$32,020.00
		Konyshov Pavel, 05.09.2012	G-Auto Sales, Inc	\$23,040.00
elictshop@gmail.com		inv S98054 dtd. 10.11.2012 G-Auto Sales, Inc		\$13,920.00
		deposit / payment doc is not provided		\$3,985.00
		Payment order: Ilinykh Andrey, 14.11.2012	G-Auto Sales, Inc	\$9,935.00
irina@specprofi.ru		inv 98324 dtd. 05.10.2012 G-Auto Sales, Inc		\$15,920.00
		Rzaeva Irina, 08.10.2012	G-Auto Sales, Inc	\$15,920.00
		inv 98003 dtd. 05.02.2012 Global Auto, Inc		invoice is not provided

IORDANOV.PAVEL@MAIL.RU		inv 98276 dtd. 11.09.2012 G-Auto Sales, Inc		\$14,020.00
		Iordanova Lia, 05.05.2012	Global Auto, Inc	\$60,920.00
		Iordanova Lia, 14.09.2012	G-Auto Sales, Inc	\$14,020.00
volkov245@mail.ru		inv W4591 dtd. 23.08.2012 G-Auto Sales, Inc		\$10,790.00
		inv W4591-1 dtd. 10.12.2012 G-Auto Sales, Inc		\$25,150.00
		Volkov Mikhail, 27.08.2012	G-Auto Sales, Inc	\$10,790.00
		Volkova Olga, 27.08.2012	G-Auto Sales, Inc	\$25,155.00
avl9237370@yandex.ru	invoice/payment doesn't contain info to mentioned car	inv 98167 dtd. 23.07.2012 Global Auto, Inc		\$32,920.00
		inv 98175 dtd. 25.07.2012 Global Auto, Inc		\$8,920.00
		inv 98474 dtd. 13.02.2013 G-Auto Sales, Inc		\$33,920.00
	invoice/payment doesn't contain info to mentioned car	Payment order: Lewis consulting ltd 26.07.2012	Global Auto, Inc	\$32,920.00
		Payment order: Lewis consulting ltd 01.08.2012	Global Auto, Inc	\$8,920.00
kes66@yandex.ru		inv 97958 dtd. 20.04.2012 Global Auto, Inc		\$10,020.00
		inv 98071 dtd. 28.05.2012 Global Auto, Inc		invoice is not provided
		inv 98341 dtd. 25.10.2012 G-Auto Sales, Inc		\$6,120.00
		Kondratjuk Evgenij 23.04.2012	Global Auto, Inc	\$10,020.00
	payment doesn't contain info to mentioned car	Kondratjuk Evgenij 30.05.2012	Global Auto, Inc	\$29,920.00
		Kondratjuk Evgenij 26.10.2012	G-Auto Sales, Inc	\$6,120.00
zvonareva-79@mail.ru		G-Auto Sales, Inc		invoice is not provided
		Nekipelov Denis 24.10.2012	G-Auto Sales, Inc	\$19,900.00
		inv 67928 dtd. 23.11.2012 G-Auto Sales, Inc		\$13,920.00

sf7@bk.ru	payment doesn't contain info to mentioned car	Fedulov Sergey Vladimirovich, 28.11.2012	G-Auto Sales, Inc	\$9,770.00
		Fedulov Sergey Vladimirovich, 23.01.2013	G-Auto Sales, Inc	\$4,150.00
chibis68@mail.ru		inv W4592 dtd. 27.08.2012 G-Auto Sales, Inc		\$16,900.00
	payment doesn't contain info to mentioned car	Mihev Andrey 30.08.2012	G-Auto Sales, Inc	\$17,920.00
klimov8@yandex.ru		inv w4615 dtd. 12.12.2012 G-Auto Sales, Inc		\$13,920.00
	payment doesn't contain info to mentioned car	Klimov Yuriy 06.09.2012 / CASH	G-Auto Sales, Inc	\$2,920.00
	payment doesn't contain info to mentioned car	Klimov Yuriy 10.09.2012	G-Auto Sales, Inc	\$11,000.00
vkkovalev@yandex.ru		inv 67969 dtd. 22.12.2012 G-Auto Sales, Inc		\$16,920.00
		inv 97593 dtd. ? Global Auto, Inc		нет инвойса
		Pogorelaya Olga 09.12.2011	Global Auto, Inc	\$3,000.00
		Pogorelaya Olga 26.12.2011	Global Auto, Inc	\$1,900.00
		Pogorelaya Olga 29.12.2011	Global Auto, Inc	\$3,060.00
	payment doesn't contain info to mentioned car	Pogorelaya Olga 19.03.2012	Global Auto, Inc	\$7,020.00
	payment doesn't contain info to mentioned car	Pogorelaya Olga 10.04.2012	Global Auto, Inc	\$1,020.00
tema_86@mail.ru		inv 67790 dtd. 19.09.2012 G-Auto Sales, Inc		\$23,920.00
		Michaylova Svetlana 20.09.2012	G-Auto Sales, Inc	\$10,920.00
		inv 67803 dtd. 25.09.2012 G-Auto Sales, Inc		\$31,920.00

allur-00@rambler.ru		payment doc is not provided		\$24,800.00
		Yamkovaya Alla 08.02.2013	G-Auto Sales, Inc	\$7,120.00
vitexcomp@mail.ru	invoice doesn't contain info to mentioned car	inv 98287 dtd. 11.09.2012 G-Auto Sales, Inc		\$10,920.00
		inv 67881 dtd. 02.11.2012 G-Auto Sales, Inc		\$4,020.00
		Afanasev Vitaliy 17.09.2012	G-Auto Sales, Inc	\$10,920.00
		Afanasev Vitaliy 12.11.2012	G-Auto Sales, Inc	\$4,020.00
kairat_nura@mail.ru		G-Auto Sales, Inc. INV 67936 DTD. 29.11.2012		\$12,900.00
		payment doc is not provided		\$10,500.00

s69@rambler.ru		inv W4768 dtd. 12.07.2012 G-Auto Sales, Inc		\$24,920.00
		Smirnov Vladimir, 11.12.12	G-Auto Sales, Inc	\$8,000.00
		Smirnov Vladimir, 13.12.12	G-Auto Sales, Inc	\$16,920.00

		no docs proving of purchase / no client's contact data		
		no appeal		
		no appeal		
		no appeal		
		no appeal		
		no appeal		
		no appeal		
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		no appeal		
		no appeal		
		no appeal		
		no appeal		
		no appeal		
		no appeal		
		no appeal		
		no appeal		
		no appeal		

Balance	Phone	#cntr	ref
\$3,000.00	79106651872	TGHU8770134	038EUL1029802
-\$20.00	79617635895	TRIU9507220	038EUL1042245
total invoiced sum is unknown	79134814793	INKU6611170	038EUL1024364
\$35.00		MSCU9950675	038EUL1029723
\$8,980.00	79126802227	MSCU8549457	038EUL541877
\$0.00	79160219573	TGHU8770134	038EUL1029802
\$0.00	79042702808	TGHU8737440	038EUL1039353
im is	79139619180	MSCU7880692	038EUL1025572

** green color - info concern

*** blue colour - info concern

purple - suggested rest

orange - suggested over

!NB! In Every GLOBAL inc

total invoiced sum unknown			
-\$5.00	79206598079	AMFU8757503	038EUL1023779
unknown	79859237370	CAIU8750765	038EUL1023776
total invoiced sum is unknown	79150057446	MSCU9808526	038EUL1029724
total invoiced sum is unknown	79219775728	TGHU8737440	038EUL1039353
	79,872,268,188	MSCU9187861	038EUL1042246

EUL_004302

\$0.00			
-S1,020.00		TGHU8737440	038EUL1039353
\$0.00		MEDU8259900	038EUL1039356
\$920.00	79161070095	TGHU8770134	038EUL1029802
\$13,000.00	79114336611	TTLU617051-4	038EUL1039355

EUL_004303

\$0.00			
\$0.00	79130842926		
\$2,400.00			

\$0.00	79602388846	AMFU8757503	038EUL1023779

had been released in Police presence

		TRIU9855139	038EUL1030651

ns to GLOBAL inc./G-Auto Sales inc. invoices issued

s to clients' payments

sum which is to be paid to GLOBAL inc./G-Auto Sales inc. (difference b/w invoiced sum and paid sum)

paid sum to GLOBAL inc./G-Auto Sales inc. (difference b/w invoiced sum and paid sum)

./G-Auto Sales inc. invoices is also mentioned 20 usd as charge for bank transferring

04.03.2013

EUL_004309

From: Denis Shavrikov / CarCont Ltd.
Sent: Monday, May 13, 2013 9:08 AM
To: Michael Hitrinov
Cc: Darja Osipova / CarCont Ltd.
Subject: Svodnaya tablica
Attachments: to_send.xlsx

Categories: Orange Category

Michael,

Vo vlozhenii svodnaya tablica po vsem mashinam.

Vam otpravleno 20 pisem s vlozheniyami. Eti mashini v samom nachale v tablice, s 1 po 20. Dalee ukazani mashiny po kotorim ne bilo obracheniy.

EUL_004310

	Ref #	Mark	VIN	Name
1	103393	2009 MERCURY MARINER	4M2CU87729KJ12992	Чистяков Иван
2	103954	2009 TOYOTA VENZA	4T3ZE11AX9U017211	Маняшин Виктор
3	102616	2009 LEXUS LX 570	JTJHY00W694027108	Лисицын Эдуард
4	103162	2009 TOYOTA VENZA	4T3ZE11A79U005453	Чаусов Валера
5	100349	2010 LEXUS RX 350	2T2BK1BA5AC009746	Коньшев Павел Андреевич
6	103393	2009 TOYOTA PRIUS	JTDKB20U693488352	Ильиных Андрей
7	103783	2011 JEEP COMPASS	1J4NF5FB7BD282296	Рзаева Ирина

EUL_004311

8	102679	2011 LEXUS LX 570	JTHY7AX4B4060677	Иорданов Павел
9	102910	2009 BMW X5	5UXFE43509L037392	Волков Михаил
10	102907	2009 MERCEDES-BENZ ML320	4JGBB25E79A519374	Антонов Владимир
11	103163	2011 SAAB 9-4X AERO	3G0FNUE62BS800047	Кондратюк Евгений
12	103783	2009 MERCEDES-BENZ C300	WDDGF81X49R073295	Некипелов Денис

13	103955	2009 SUBARU FORESTER	JF2SH61649H717573	Федулов Сергей
14	103783	2009 VOLKSWAGEN TIGUAN	WVGBV75N29W525297	Михсев Андрей / Ирина Чибисова
15	103786	2010 HONDA INSIGHT	JHMZE2H51AS007600	Климов Юрий
16	103393	2010 VOLKSWAGEN CC	WVWNL7AN5AES27150	Валерий Ковалев / Olga Pogorelaya
17	103785	2009 TOYOTA VENZA	4T3BE11A99U007805	Михайлова Светлана Fadeev Artem

18		2009 BMW X5 White/Rust XDRIVE 30i	5UXFE43579L260951	Алла Ямковая
19		SUBARU FORESTER 2,5X Silver PREMIUM 2009	JF2SH63619H742041	Афанасьев Виталий
20		2009 TOYOTA Gray CAMRY SE	4T1BE46K19U306703	Нургазинов Кайрат

21	102910	2008 MERCEDES-BENZ ML320 /EXPIRED	4JGBB22E88A372761	Смирнов Владимир Геннадьевич
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22	103028	2009 MERCURY MARINER	4M2CU87779KJ12759	был лично / нет ФИО
23		TOYOTA VENZA AWD Brown 2009	4T3BE11A49U004942	
24		MB R320 BLUETEC 2009	4JGCB25E69A095805	
25		VOLKSWAGEN TIGUAN 2WD Silver 2009	WVGAV75N49W002956	
26		TOYOTA CAMRY Black 2009	4T1BE46K99U346317	
27		MERCURY MARINER 2WD RED 2010	4M2CN8B74AKJ17359	
28		DODGE CALIBER 2WD Silver 2009	1B3HB48A79D129278	
29		VW CC SPORT Black 2010	WVWML7AN9AE507737	
30		VW TIGUAN Silver, 2WD, 2009	WVGAV75N49W502230	
31		MB ML320 Black/Black BLUETEC 2009	4JGBB25E09A497525	
32		JEEP COMPASS SPORT 2012	1C4NJCBA1CD573626	
33		VW JETTA WOLFSBURG EDITION 2008	3VWRA71K78M179897	
34		TOYOTA CAMRY Black 2009	4T1BE46K09U812264	
35		MB ML320 Black/Black BLUETEC 2009	4JGBB25E39A489354	

36		ACURA RDX Black/Black 2010	5J8TB2H29AA000682	
37		GMC ACADIA SLT-2 2010	1GKLVNED6AJ138200	
38		JEEP COMPASS SPORT 2010	1J4NF4FB6AD583215	
39		YAMAHA BOAT	YAMCG436L899 / DL1493X	
40		YAMAHA TRAILER	1DHNAELA1X1090995	
41		2009 TOYOTA PRIUS	JTDKB20U897858466	
42		2010 SUBARU LEGACY Blue	4S3BMBB65A3210717	
43		2010 VOLKSWAGEN CC Black	WVWML7AN7AE525508	
44		2009 FORD ESCAPE XLS 2WD Gray	1FMCU02729KD02110	

E-mail	main details	Invoices info	Beneficiary	Summ
ivan11031@mail.ru		inv 67842** dtd. 17.10.2012 G-Auto Sales, Inc		\$12,920.00
	платеж не содержит информацию по данной машине	Chistjakova Ludmila ***, 24.09.12	G-Auto Sales, Inc	\$9,920.00
voron092@live.ru		inv 67883 dtd. 03.11.2012 G-Auto Sales, Inc		\$22,920.00
		Manjashin Victor, 06.11.12	G-Auto Sales, Inc	\$16,920.00
		Manjashin Victor, 14.11.12	G-Auto Sales, Inc	\$6,020.00
almazoff73@mail.ru		inv 98215 dtd. 09.08.2012 G-Auto Sales, Inc		\$64,920.00
	платеж не содержит информацию по данной машине	inv 67312 dtd. 06.02.2012 Global Auto, Inc		нет инвойса
		inv 98033 dtd. 14.05.2012 Global Auto, Inc		нет инвойса
	платеж не содержит информаци ю по данной машине	Lisitsin Eduard, 27.02.2012	Global Auto, Inc	\$29,920.00
		Lisitsin Eduard, 17.05.2012	Global Auto, Inc	\$30,020.00
		Lisitsin Eduard, date of payment?	G-Auto Sales, Inc	\$5,020.00
chausow.val@yandex. ru		inv 67805 dtd. 26.09.2012 G-Auto Sales, Inc		\$23,900.00
		нет платежей		\$23,865.00
cvpl4@yandex.ru		inv 67730 dtd. 21.07.2012 Global Auto, Inc		\$32,020.00
		Konyshov Pavel, 05.09.2012	G-Auto Sales, Inc	\$23,040.00
elictshop@gmail.com		inv S98054 dtd. 10.11.2012 G-Auto Sales, Inc		\$13,920.00
		deposit платежей не предоставил		\$3,985.00
	just aaplication for payment	Ilinykh Andrey, 14.11.2012	G-Auto Sales, Inc	\$9,935.00
irina@specprofi.ru		inv 98324 dtd. 05.10.2012 G-Auto Sales, Inc		\$15,920.00
		Rzaeva Irina, 08.10.2012	G-Auto Sales, Inc	\$15,920.00
		inv 98003 dtd. 05.02.2012 Global Auto, Inc		нет инвойса

IORDANOV.PAVEL@MAIL.RU		inv 98276 dtd. 11.09.2012 G-Auto Sales, Inc		\$14,020.00
		Iordanova Lia, 05.05.2012	Global Auto, Inc	\$60,920.00
		Iordanova Lia, 14.09.2012	G-Auto Sales, Inc	\$14,020.00
volkov245@mail.ru		inv W4591 dtd. 23.08.2012 G-Auto Sales, Inc		\$10,790.00
		inv W4591-1 dtd. 10.12.2012 G-Auto Sales, Inc		\$25,150.00
		Volkov Mikhail, 27.08.2012	G-Auto Sales, Inc	\$10,790.00
		Volkova Olga, 27.08.2012	G-Auto Sales, Inc	\$25,155.00
avl9237370@yandex.ru	Инвойс/платеж не содержит информацию по данной машине	inv 98167 dtd. 23.07.2012 Global Auto, Inc		\$32,920.00
		inv 98175 dtd. 25.07.2012 Global Auto, Inc		\$8,920.00
		inv 98474 dtd. 13.02.2013 G-Auto Sales, Inc		\$33,920.00
	Инвойс/платеж не содержит информацию по данной машине	Payment order: Lewis consulting ltd 26.07.2012	Global Auto, Inc	\$32,920.00
		Payment order: Lewis consulting ltd 01.08.2012	Global Auto, Inc	\$8,920.00
kes66@yandex.ru		inv 97958 dtd. 20.04.2012 Global Auto, Inc		\$10,020.00
		inv 98071 dtd. 28.05.2012 Global Auto, Inc		нет инвойса
		inv 98341 dtd. 25.10.2012 G-Auto Sales, Inc		\$6,120.00
		Kondratjuk Evgenij 23.04.2012	Global Auto, Inc	\$10,020.00
	платеж не содержит информацию по данной машине	Kondratjuk Evgenij 30.05.2012	Global Auto, Inc	\$29,920.00
		Kondratjuk Evgenij 26.10.2012	G-Auto Sales, Inc	\$6,120.00
zvonareva-79@mail.ru		G-Auto Sales, Inc		нет инвойса
		Nekipelov Denis 24.10.2012	G-Auto Sales, Inc	\$19,900.00
		inv 67928 dtd. 23.11.2012 G-Auto Sales, Inc		\$13,920.00

sf7@bk.ru	платеж не содержит информацию по данной машине	Fedulov Sergey Vladimirovich, 28.11.2012	G-Auto Sales, Inc	\$9,770.00
		Fedulov Sergey Vladimirovich, 23.01.2013	G-Auto Sales, Inc	\$4,150.00
chibis68@mail.ru		inv W4592 dtd. 27.08.2012 G-Auto Sales, Inc		\$16,900.00
	платеж не содержит информацию по данной машине	Mihev Andrey 30.08.2012	G-Auto Sales, Inc	\$17,920.00
klimov8@yandex.ru		inv w4615 dtd. 12.12.2012 G-Auto Sales, Inc		\$13,920.00
	платеж не содержит информацию по данной машине	Klimov Yuriy 06.09.2012 / CASH	G-Auto Sales, Inc	\$2,920.00
	платеж не содержит информацию по данной машине	Klimov Yuriy 10.09.2012	G-Auto Sales, Inc	\$11,000.00
vkkovalev@yandex.ru		inv 67969 dtd. 22.12.2012 G-Auto Sales, Inc		\$16,920.00
		inv 97593 dtd. ? Global Auto, Inc		нет инвойса
		Pogorelaya Olga 09.12.2011	Global Auto, Inc	\$3,000.00
		Pogorelaya Olga 26.12.2011	Global Auto, Inc	\$1,900.00
		Pogorelaya Olga 29.12.2011	Global Auto, Inc	\$3,060.00
	платеж не содержит информацию по данной машине	Pogorelaya Olga 19.03.2012	Global Auto, Inc	\$7,020.00
	платеж не содержит информацию по данной машине	Pogorelaya Olga 10.04.2012	Global Auto, Inc	\$1,020.00
		inv 67790 dtd. 19.09.2012 G-Auto Sales, Inc		\$23,920.00
tema_86@mail.ru		Michaylova Svetlana 20.09.2012	G-Auto Sales, Inc	\$10,920.00
		inv 67803 dtd. 25.09.2012 G-Auto Sales, Inc		\$31,920.00

allur-00@rambler.ru		платежек не предоставил		\$24,800.00
		Yamkovaya Alla 08.02.2013	G-Auto Sales, Inc	\$7,120.00
vitexcomp@mail.ru		inv 98287 dtd. 11.09.2012 G-Auto Sales, Inc		\$10,920.00
		inv 67881 dtd. 02.11.2012 G-Auto Sales, Inc		\$4,020.00
		Afanasev Vitaliy 17.09.2012	G-Auto Sales, Inc	\$10,920.00
		Afanasev Vitaliy 12.11.2012	G-Auto Sales, Inc	\$4,020.00
kairat_nura@mail.ru		G-Auto Sales, Inc. INV 67936 DTD. 29.11.2012		\$12,900.00
		платежек не предоставил		\$10,500.00

s69@rambler.ru		inv W4768 dtd. 12.07.2012 G-Auto Sales, Inc		\$24,920.00
		Smirnov Vladimir, 11.12.12	G-Auto Sales, Inc	\$8,000.00
		Smirnov Vladimir, 13.12.12	G-Auto Sales, Inc	\$16,920.00

		не предоставил никакой информации / нет связи с ним		
		Нет обращения клиента		
		Нет обращения клиента		
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		Нет обращения клиента		
		Нет обращения клиента		

Balance	Phone	# cntr	ref
\$3,000.00	79106651872	TGHU8770134	038EUL1029802
-\$20.00	79617635895	TRIU9507220	038EUL1042245
-\$40.00	79134814793	INKU6611170	038EUL1024364
\$35.00		MSCU9950675	038EUL1029723
\$8,980.00	79126802227	MSCU8549457	038EUL541877
\$0.00	79160219573	TGHU8770134	038EUL1029802
\$0.00	79042702808	TGHU8737440	038EUL1039353
	79139619180	MSCU7880692	038EUL1025572

** зеленым - инфо, относ

*** синим - инфо, относящ

сумма красным - долг

сумма зеленым - долг (

не известна выставленная сумма			
-\$5.00	79206598079	AMFU8757503	038EUL1023779
нельзя точно сказать сколько оплачено	79859237370	CAIU8750765	038EUL1023776
не известна выставленная сумма	79150057446	MSCU9808526	038EUL1029724
не известна выставленная сумма	79219775728	TGHU8737440	038EUL1039353
	79,872,268,188	MSCU9187861	038EUL1042246

\$0.00			
-\$1,020.00		TGHU8737440	038EUL1039353
\$0.00		MEDU8259900	038EUL1039356
\$920.00	79161070095	TGHU8770134	038EUL1029802
\$13,000.00	79114336611	TTLU617051-4	038EUL1039355

EUL_004323

\$0.00			
\$0.00	79130842926		
\$2,400.00			

\$0.00	79602388846	AMFU8757503	038EUL1023779

released in Police presence

		TRIU9855139	038EUL1030651

5

звися к выставленным счетам GLOBAL/G-Auto Sales или суммам, выставленным

звися к оплате счетов клиентами

клиента перед Global (разница м/у выставленным счетом и оплатой по факту)

Global перед клиентом (разница м/у выставленным счетом и оплатой по факту)

From: Denis Shavrikov / CarCont Ltd.
Sent: Monday, May 13, 2013 8:49 AM
To: Michael Hitrinov
Cc: Darja Osipova / CarCont Ltd.
Subject: Kairat Nurgazinov / 2009 TOYOTA CAMRY 4T1BE46K19U306703
Attachments: Инвойс в приложении; тут письмо по которому перенаправили к вам и bill of sale; получение автомобиля с СВХ; получение автомобиля со склада временного хранения

Categories: Orange Category

Kairat Nurgazinov / 2009 TOYOTA CAMRY 4T1BE46K19U306703

Invoices:

1. Invoice: inv 67936 dtd. 29.11.2012 G-Auto Sales, Inc. Car: 2010 TOYOTA CAMRY 4T1BE46K19U306703. Amount: \$ 12 900,00 (Deposit: \$ 10 500,00 + Rest: \$ 2 420,00)

Paid:

1. Doc not provided.

Rest to pay: \$ 2 420,00

From: kairat nurgazinov [kairat_nura@mail.ru]
Sent: Saturday, March 16, 2013 2:37 AM
To: Denis Shavrikov / CarCont Ltd.
Subject: Инвойс в приложении
Attachments: 67936 Toyota 15212 Nurgazinov.xls

----- Пересылаемое сообщение -----

От кого: GlobalAutoUSA <kotkacars@gmail.com>
Кому: kairat nurgazinov <kairat_nura@mail.ru>
Дата: Четверг, 20 декабря 2012, 12:22 +02:00
Тема: Re: Re[36]: договор No.67936

Здравствуйте.
Договор исправлен.
Данные с указанием номера контейнера из США еще не получены.

20 декабря 2012 г., 11:51 пользователь kairat nurgazinov <kairat_nura@mail.ru> написал:

здравствуйте игорь., да машина в котке будет 12900 долларов, в инвойсе стоит на оплату 12 900, в нижней сторочке должно быть 12900-10500 (депозит)=2400, иначе после прихода машины в казахстан при растаможке могут быть разночтения. о приходе машины в котку вы сообщите письмом на почту? остальные вопросы после прихода машины

Пятница, 14 декабря 2012, 18:26 от GlobalAutoUSA <kotkacars@gmail.com>:

+12156512993 Сергей
только он уполномочен отвечать на данные вопросы и принимать решения.

14 декабря 2012 г., 18:24 пользователь kairat nurgazinov <kairat_nura@mail.ru> написал:
Игорь, подскажите процесс возврата денег и сроки возврата, сумму возврата в моем случае

Пятница, 14 декабря 2012, 14:13 от GlobalAutoUSA <kotkacars@gmail.com>:

Сергей не подтвердил скидку!

14 декабря 2012 г., 11:50 пользователь kairat nurgazinov <kairat_nura@mail.ru> написал:

При разговоре он сказал, что если акция есть, то на меня она распространяется, детали уточнить с вами. поэтому я уточняю

Пятница, 14 декабря 2012, 11:41 от GlobalAutoUSA <kotkacars@gmail.com>:

В данном случае вопрос по акции Вам следует задать Сергею!
Авто должен быть в Котке через 10-15 дней.

14 декабря 2012 г., 11:38 пользователь kairat nurgazinov <kairat_nura@mail.ru> написал:

Игорь вы можете уточнить дату прихода машины в Котку, в какой срок произвести оплату суммы доставки до Казахстана г. Семей, сумму оплаты и подтвердить объявленные акции (по платежам и подаркам)

Пятница, 14 декабря 2012, 11:31 от GlobalAutoUSA <kotkacars@gmail.com>:

ок

14 декабря 2012 г., 11:22 пользователь kairat nurgazinov <kairat_nura@mail.ru> написал:

Игорь, с Сергеем договоренность на сумму 12 500, пожалуйста переправьте дополнение, и доплату, по согласованию с Сергеем, произведу после прихода машины в Котку.

Пятница, 14 декабря 2012, 9:17 от GlobalAutoUSA <kotkacars@gmail.com>:

Здравствуйте.
Автомобиль забронирован за Вами.
Договор на доплату в приложении.
С уважением,
Игорь.

APPENDIX “3”

Statement#	Vehicles	Vin#
1	YAMAHA BOAT	DL1493X
2	1999 YAMAHA trailer	1DHNAELA1X1090995
3	2010 LEXUS RX 350	2T2BK1BA5AC009746
4	2009 BMW X5	5UXTE43579L260951
5	2011 LEXUS LX 570	JTHFY7AX4B4Q60617
6	2009 TOYOTA VENZA	FT3ZE1JA79J003453
7	2012 JEEP COMPASS SPORT	1C4ND0BA1CD573626
8	2009 MERCURY MARINER	4M2CU8779KJ12759
9	2010 VOLKSWAGEN CC	WVWNL7AN5AB27150
10	2009 MERCURY MARINER	4M2CU8779KJ12992
11	2009 VOLKSWAGEN TIGUAN	WVGAV75N49W002956
12	2011 JEEP COMPASS	1J4NF5EB7BD28296
13	2009 VOLKSWAGEN TIGUAN	WVGCV75N29W525291
14	2009 TOYOTA VENZA	4T3BE1JA99U007805
15	2009 TOYOTA CAMRY	4T1BE46K99U346317
16	2009 TOYOTA CAMRY	4T1BB46K19U306703
17	2009 VOLKSWAGEN TIGUAN	WVGAV75N49W502230
18	2010 VOLKSWAGEN CC	WVWML7AN9AB507737
19	2009 MERCEDES-BENZ ML320	4JGBB25E39A489354
20	2009 LEXUS LX 570	JTHFY00W694027108
21	2008 MERCEDES-BENZ ML320	4JGBB22E88A322761
22	2009 MERCEDES-BENZ ML320	4JGBB25E79A519374
23	2009 BMW X5	5UXTE43509L037392
24	2011 SAAB 9-4X AERO	3G0FNUE62BS800047
25	2009 SUBARU FORESTER	FE26H63619H742041
26	2009 TOYOTA PRIUS	JTDKB20U693488352
27	2010 SUBARU OUTBACK	4S4BRB8C9A3328479
28	2009 TOYOTA VENZA	4T3BE1JA49L004942
29	2009 MERCEDES-BENZ C300	WDDGF81X49R073295
30	2010 HONDA INSIGHT	JHMZE2H51AS007600
31	2009 TOYOTA VENZA	4T3ZE1JAX9U019211
32	2009 SUBARU FORESTER	JH2SH61649H717573
33	2009 TOYOTA CAMRY	4T1BE46K09U812264
34	2010 GMC ACADIA SLT-2	1GKLYNED6A1138200
35	2010 ACURA RDX	5J8TB2H29AA000682
1	2008 VOLKSWAGEN JETTA	3VVRKA71K78M1988
2	2009 MERCEDES-BENZ ML320	4JGBB25E09A497525
3	2009 MERCEDES-BENZ R320	4JGBB25E69A095805
4	2009 DODGE CALIBER	1B3HB48A79D129278
5	2010 MERCURY MARINER	4M2CN8B74AKJ17350
6	2010 JEEP COMPASS SPORT	1J4NF4FB6AD583215
7	2010 SUBARU LEGACY	4S3BMBB65A3210717
8	2010 VOLKSWAGEN CC	WVWML7AN7AB525508
9	2009 FORD ESCAPE	1FMCU02729KD02110
10	2009 TOYOTA PRIUS	JTDKB20U897858466

container

client

MSCU7912634	Belodedov, Alexander Inv#98158
MSCU7912634	
MSCU8549457	Kotka-Konyshov, Pavel Inv#67730
TGHU7722677	Kotka-Yamkovyy, Yuriy Inv#(67291) 67803
MSCU7880692	Iordanova, Liya Inv#98003
MSCU9950675	Kotka-Chausov, Valeriy Inv#67805
MSCU9808526	Kotka-Semenov, Nikolay/Tverdyshev, Aleksey Inv#W4580
TRIU9855139	Kotka-Saharova, Irina Inv#67694
TGHU8770134	Kotka-Pogorelaya, Olga Inv#(97593)(67518)
TGHU8770134	Chistyakova, Lyudmila/Chistyakov, Ivan Inv#(98284) 67842
TTLU499373-0	Kotka-Karibov, Adil/Karibova, Yelena Inv#W4603
TGHU8737440	Rzaeva, Irina Inv#98324
TGHU8737440	Kotka-Mikheev, Andrey Inv#W4592
TTLU6170514	Kotka-Mikhailova, Svetlana Inv#67790
MSCU9189268	Kotka-Ivanov, Aleksandr/Shairako Limited Inv#W4526
TCKU9873233	Kotka-Nurgazinov, Kayrat Inv#67936
MSCU9897740	Batalov, Aleksey Inv#V00004
INKU2255403	Mukhamadullin, Rinat Inv#97792
INKU6454152	Khomyakov, Viktor Inv#97181
INKU6611170	Kotka-Lisitsin, Eduard Inv#(67312) 98033, 98215
AMFU8757503	Kotka-Smimov, Vladimir Inv#W4768
CAIU8750765	Antonov, Vladimir/Lewis Consulting LTD Inv#98167
AMFU8757503	Kotka-Volkova, Olga/Volkov, Mikhail Inv#W4591
MSCU9808526	Kondratjuk, Evgenij Inv#(97958), (98071) 98341
TTLU224876-4	Afanasev, Vitaliy Inv#(98287) 67881
TGHU8770134	Kotka-Ilinykh, Andrey Inv#(67741) 598054
MSCU7912634	Kotka-Zavorokhin, Roman Inv#67981
TTLU981862-1	Kotka-Bolgov, Yuriy Inv#W4572
TGHU8737440	Kotka-Nekipelov, Denis Inv#W4722
MEDU8259900	Kotka-Klimov, Yuriy Inv#W4615
TRIU9507220	Kotka-Manjashin, Viktor Inv#67883
MSCU9187861	Kotka-Fedukov, Sergey Inv#67928
MSCU9078156	Kotka-Urazbaeva, Klara Inv#W4602
TCNU8761450	Kotka-Obchinnikov, Igor Inv#67779
TCNU8761450	Kotka-Kamalov, Rashit Inv#W4605

MSCU7496584	not sold
TRLU5762222	not sold
TRIU9057653	not sold
MSCU9187861	not sold
CRXU9813340	not sold
CRXU9813340	not sold
MSCU9152382	not sold
MSCU9152382	not sold
MEDU8199205	not sold
TCKU9873233	not sold

APPENDIX “4”

Marcus A. Nussbaum

From: Jeffrey, Eric <ejeffrey@nixonpeabody.com>
Sent: Tuesday, May 3, 2016 8:43 PM
To: 'Marcus Nussbaum'
Subject: RE: Titles

Thank you, I will forward this exchange to Judge Guthridge in the morning.

From: Marcus Nussbaum [mailto:marcus.nussbaum@gmail.com]
Sent: Tuesday, May 03, 2016 8:11 PM
To: Jeffrey, Eric
Subject: Re: Titles

Counsel,

I have no intention of engaging in 'email wars' with you or your office, having neither the time, desire, nor inclination to do so. That said, we regret that you consider our advise as to informing the Commission of any continuing defaults by respondents as "bullying", much less, nonsensical.

We further note that Judge Guthridge did indeed have much to say; primarily denying your frivolous and baseless application to reconsider the Commission's prior well-founded decision.

In closing, it is hoped that you will exercise more restraint and a greater degree of professionalism in further *necessary* communications in this matter, and cease to burden this office with superfluous and gratuitous correspondence such as yours to which this responds.

Regards,

Marcus A. Nussbaum, Esq.
P.O. Box 245599
Brooklyn, NY 11224
Tel: 888-426-4370
Fax: 347-572-0439
<http://www.nussbaumlawfirm.com/>

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On Tue, May 3, 2016 at 7:34 PM, Jeffrey, Eric <ejeffrey@nixonpeabody.com> wrote:

Thank you. That still leaves the question whether you are planning to produce the copies of the titles you allege your clients received. They would seem to me just as subject to the Order as what Respondents may or may not have.

As to your second paragraph, I thought Judge Guthridge had something to say about such bullying nonsense.

From: Marcus Nussbaum [<mailto:marcus.nussbaum@gmail.com>]
Sent: Tuesday, May 03, 2016 7:22 PM
To: Jeffrey, Eric
Subject: Re: Titles

Dear Counsel,

As you are well aware, *at no time* have Complainants *ever* received or been in possession of *any* titles with respect to the subject automobiles, having only been provided with copies of same.

To the extent that Respondents are, however, in possession of *all* titles for the subject automobiles which your clients had validated by U.S. Customs at the time of export; and in that *you* were specifically Ordered by ALJ Guthridge to produce said titles, Complainants will reasonably expect your *full, complete,* and *timely* compliance with Judge Guthridge's directives. In the alternative, we will forthwith inform the Commission accordingly.

Regards,

Marcus A. Nussbaum, Esq.
P.O. Box 245599
Brooklyn, NY 11224

Tel: [888-426-4370](tel:888-426-4370)
Fax: [347-572-0439](tel:347-572-0439)

<http://www.nussbaumlawfirm.com/>

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On Tue, May 3, 2016 at 5:13 PM, Jeffrey, Eric <ejeffrey@nixonpeabody.com> wrote:

Dear Mr. Nussbaum

I noticed that the set of shipping documents you produced last night did not include any titles. May I ask whether, for all four cars, you consider titles not to be shipping documents, and so they will be produced later, or whether there simply are not titles that will be produced.

Best regards,

Eric



Eric C Jeffrey
Counsel

ejeffrey@nixonpeabody.com

T 202-585-8215 | C 703-919-3374 | F 855-782-6662

Nixon Peabody LLP | 799 9th Street NW | Suite 500 | Washington, DC 20001-4501
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APPENDIX “5”

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LABORATORY REPORT

July 29, 2016

Marcus A. Nussbaum, Esq.
P.O. Box 245599
Brooklyn, NY 11224
Tel: 888-426-4370

RE: *Michael Hitrinov Matter*

Dear Mr. Nussbaum:

The evidence listed as Q1 and K1 was received from Mr. Marcus Nussbaum on 7/13/16 via email.

The evidence contained pdf images of the following:

Questioned document:

Q1 – One (1) twenty-three page Federal Maritime Commission document titled, "Affirmation of Michael Hitrinov", docket no. 15-11, with the date reading, "June __2016", bearing the questioned signature reading, "Michael Hitrinov".

Comparison documents:

K1-1 – One (1) nine-page Settlement Agreement and Mutual Release, dated 11/29/11, bearing two purported known signatures of Michael Hitrinov.

K1-2 – One (1) sixteen-page document titled, "DECLARATION OF MICHAEL HITRINOV IN RESPONSE TO ORDER TO SHOW CAUSE AN IN OPPOSITION TO REQUEST FOR PRELIMINARY INJUNCTION", dated 5/23/13, no. 13-CV-2479 (SLT)(RER), bearing the purported known signature of Michael Hitrinov.

K1-3 – One (1) two-page Federal Maritime Commission document titled, "CERTIFICATION OF MICHAEL HITRINOV", docket no. 14-16, dated 5/26/15, bearing the purported known signature of Michael Hitrinov.

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Comparison documents (continued):

K1-4 – One (1) ten-page Federal Maritime Commission document titled, "VERIFIED ANSWER OF RESPONDENTS EMPIRE UNITED LINE AND MICHAEL HITRINOV", docket no. 15-11, dated 5/19/16, bearing the purported known signature of Michael Hitrinov.

Examination Requests:

To determine whether or not Michael Hitrinov (K1) wrote the questioned signature appearing on Q1.

Writing Examinations:

Writing can be identified with the person who wrote it. A person can also be eliminated, or excluded, from having written something. Learning to write usually involves practicing letter formations, learning to copy these forms and committing them to memory, along with developing the skill, pen in hand, to write these forms quickly and fluidly. Practice usually increases the writer's skill¹ and produces writing that becomes more rapidly written, as the focus shifts more to the message being written than the physical movements of the writing act itself. This practiced movement becomes more fluid as this movement is committed to memory. This fluid movement of the pen creates physical characteristics of writing on the paper surface and observable features of the act of writing.

Writing consists of both class and individual characteristics. Class characteristics are common to large groups of writers and, in general, make writing similar enough for it to be understood by many. Examples of these characteristics may be the actual letter forms, or other features produced by large numbers of writers. Individual characteristics tend to be more identifying. It is the presence of the features found in both groups of characteristics, when considered and weighed in combination, that provides a basis for the determination of the genuineness of writing.

The identification or elimination of writing is dependent upon a large number of factors. These factors include, but are not limited to, whether the writing in question is freely and naturally written, whether the questioned and known writing are comparable in nature and date, if sufficient known and questioned writing is provided, as well as whether sufficient known samples are provided for comparison purposes which demonstrate an appropriate range of variation of the known writer's habits.

Some of these physical characteristics are visible to the unaided eye, however using a microscope to view the written line with magnification allows the forensic document

¹ "Writing is the result of a very complex series of acts, being as a whole a combination of certain forms which are the visible result of mental and muscular habits acquired by long continued, painstaking effort." Questioned Documents (Second Edition) by Albert S. Osborn, Chapter XVII, pp. 276.

Writing Examinations (continued):

examiner to carefully study and weigh the finer characteristics; the physical evidence of the movement of the pen on the paper surface.

Range of Opinions:

Often, a forensic document examiner is able to offer conclusive, unqualified opinions of identification or elimination of writing. At other times, a myriad of factors can contribute to a forensic document examiner being unable to render a conclusive opinion. For example, the questioned writing may be of poor quality, limited in nature, or the available known writing samples may be limited, not comparable to the writing in question, or they may be intentionally distorted or disguised. In such cases, positive opinions of identification or elimination may not be possible.

In the event that the weight and significance of the evidence does not support a positive identification or elimination, forensic document examiners determine what level the weight and significance the evidence supports. Opinions are then expressed on a scale, or range of opinions, from indications wrote (or indications did not write), probably wrote (or probably did not write), to highly probable wrote (or highly probable did not write). At times, the only opinion which can be offered is an inconclusive. An understanding of this range of opinions² and the reasoning for "qualified opinions" is necessary when reviewing the results of any writing examination.

Image Files/Photocopies:

The examination of image files and photocopies in lieu of original documents, requires a forensic document examiner to offer a qualified opinion. This means *the opinion offered is based on the evidence discerned from the images/copies*.

The imaging/photocopy process can cause loss of detail. A number of other factors may affect the quality of the image/copy, such as: the type and condition of scanner/copy machine, the settings used, whether the original or some generation of copy is used (other than directly from the original). All of these factors may impede the ability of the examiner to reach a positive conclusion.

Also, evidence of fraud or non-genuineness may be revealed in the examination of an original document which cannot be seen in the image/copy. The following opinions are based on the examination of image files (non-originals).

² The SWGDOC standard Standard Terminology for Expressing Conclusions of Forensic Document Examiners can be found at the web link: <http://www.swgdoc.org/index.php/standards/published-standards>.

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Examinations Conducted:

Visual examinations of writing³ along with imaging techniques.

Basis of Examinations:

I performed examinations and comparisons using widely accepted procedures. As part of my examinations, I also rely, in part, on numerous published standards distributed by the Scientific Working Group for Forensic Document Examiners (SWGDOC)⁴. My examinations and comparisons relied, in part, on the following standards, which can be found at the following web link:

<http://www.swgdoc.org/index.php/standards/published-standards>

- SWGDOC Standard for Scope of Work of Forensic Document Examiners
- SWGDOC Standard for Examination of Handwritten Items
- SWGDOC Standard for Examination of Altered Documents
- SWGDOC Standard Terminology for Expressing Conclusions of Forensic Document Examiners

Handwriting Observations:

The Q1 document is a good quality image. The signature is stylized and the pen pressure appears to be consistent with dark contrast throughout the signature. There are areas of the signature which appear to show deliberateness and hesitation and there lacks tapering beginning and ending strokes. These characteristics are commonly associated with tracings or simulated forgeries.

The purported known signatures of Michael Hitrinov are of varying levels of quality and represent two different signature styles. The signatures appear to be freely and naturally written, with tapered beginning and ending strokes and there does not appear to be evidence of hesitation or deliberateness.

A side-by-side comparison was conducted between the questioned signature appearing on Q1 and the K1 signatures samples. The K1-1 signatures were not comparable as they exhibited a different signature style than that of the Q1 signature. The K1-2 through K1-4 signatures exhibited similar signature styles and therefore were comparable to the Q1 signature. The lack of comparable known samples is a limiting factor in this examination.

While the signatures are pictorially similar, there were numerous dissimilarities noted. These include the overall size of the signature, the fluidity of the written line, the **Marcus**

³ The SWGDOC "Standard Guide for Examination of Handwriting Items," can be found at the web link:

<http://www.swgdoc.org/index.php/standards/published-standards>

⁴ The SWGDOC standards can be found at the web link: <http://www.swgdoc.org/index.php/standards/published-standards>

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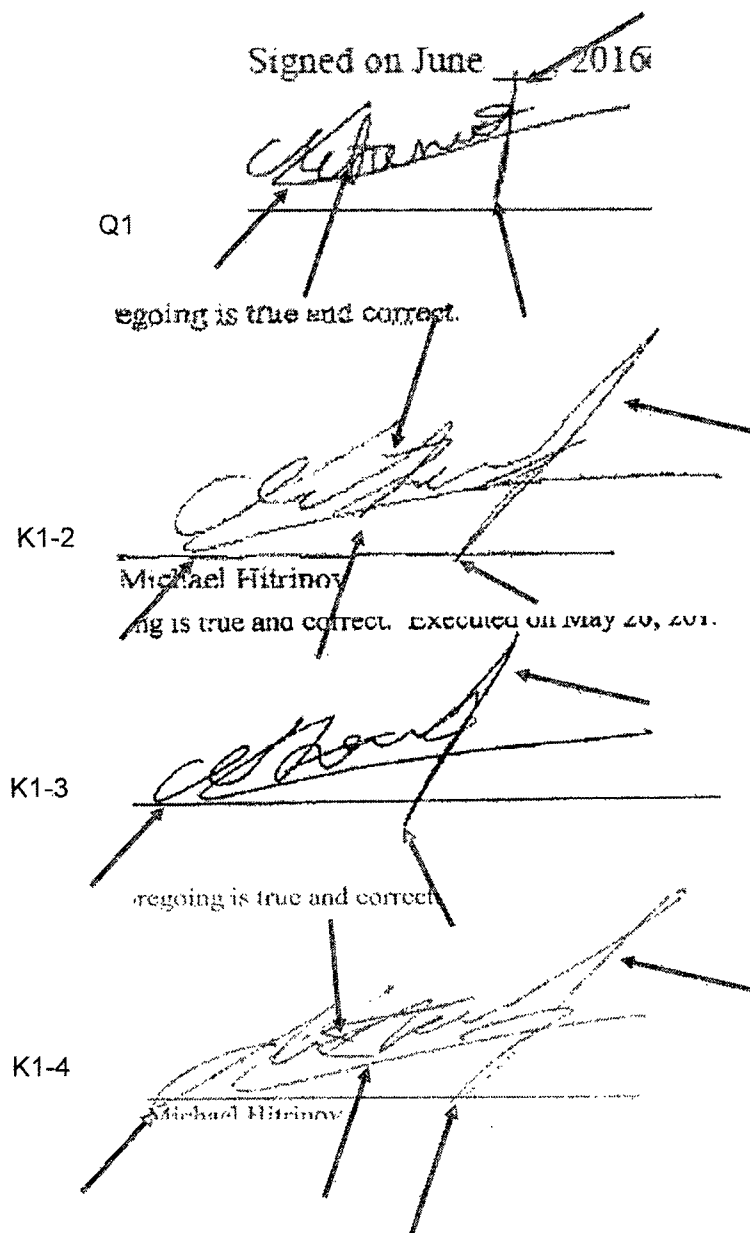
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Handwriting Observations (continued):

relationship to the baseline, the height of the terminal upper extension, and the areas of pen lifts. (See images, with red arrows representing dissimilarities.)



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Results of Examination:

Upon examination of the questioned signature appearing on Q1 with the known signatures of Michael Hitrinov, the evidence revealed some pictorial similarity. However, there are numerous significant dissimilarities noted. These dissimilarities along with the deliberate nature of the Q1 signature lead to the conclusion that it is highly probable that Michael Hitrinov did not write the questioned signature appearing on Q1, but rather appears to be an attempt by someone to simulate or trace his natural signature style. Submission of the original document could assist in determining whether the signature is in fact a simulation or tracing.

The examinations and conclusions presented herein are based on the evidence available at this time. I reserve the right to rely upon additional discovery that occurs after this report is submitted. To the extent additional evidence becomes available relevant to the opinions expressed in this report, I will update my opinions as appropriate.

Demonstratives:

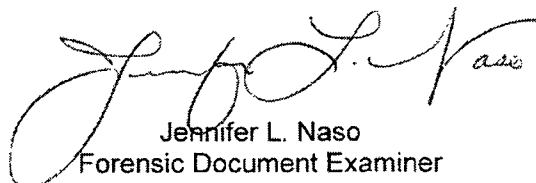
I reserve the right to rely on visual aids or demonstratives not present in this report to demonstrate my opinions at trial.

Remarks:

Thorough examinations were performed on the questioned document. Digital images/charts were likewise prepared from these documents. These images, when enhanced, allow for certain critical observations to be made. They also provide a very strong approach for demonstrating the evidence to a Trier of fact and can best be illustrated through use of a multi-media presentation.

Very truly yours,

RILEY WELCH LAPORTE & ASSOCIATES
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